

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC
Plaintiff,

v.

TEXAS INSTRUMENTS, INC.
Defendants

§ Civil Action No. 6:12-CV-499 MHS
§
§ LEAD CASE
§
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§
§
§

**DECLARATION OF CHRISTOPHER HIGGINS IN SUPPORT OF DEFENDANTS’
RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Christopher Higgins, declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Orrick, Herrington & Sutcliffe, LLP, counsel of record for defendants Audible Magic Corp. (“Audible Magic”) and a number of its customers accused as defendants in this case on the basis of Audible Magic’s technology. I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.
2. Attached hereto as **Exhibit 1** is a true and correct copy of a document submitted during the prosecution history of the ’472 patent: Response to July 22, 2004 Office Action.
3. Attached hereto as **Exhibit 2** is a true and correct copy of a document submitted during the prosecution history of the ’472 patent: Response to May 11, 2007 Office Action.
4. Attached hereto as **Exhibit 3** is a true and correct copy of a document submitted during the prosecution history of the ’175 patent: Response to October 24, 2011 Office Action.
5. Attached hereto as **Exhibit 4** is a true and correct copy of a document submitted during the prosecution history of the ’700 patent: May 30, 2008 Office Action.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a document submitted during the prosecution history of the '700 patent: Response to May 30, 2008 Office Action.
7. Attached hereto as **Exhibit 6** is a true and correct copy of a document submitted during the prosecution history of the '700 patent: March 5, 2009 Office Action.
8. Attached hereto as **Exhibit 7** is a true and correct copy of a document submitted during the prosecution history of the '700 patent: Response to March 5, 2009 Office Action.
9. Attached hereto as **Exhibit 8** is a true and correct copy of a document submitted during the prosecution history of the '494 patent: August 20, 2010 Office Action.
10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997)
11. Attached hereto as **Exhibit 10** is a true and correct copy of Digital Signature Standard, Federal Information Processing Standards Publication, United States Department of Commerce, FIPS PUB 186-4

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on September 9, 2014 in Washington, District of Columbia.



Christopher Higgins